

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID C. RIVERS,

Plaintiff, No. CIV S-04-2524 GEB PAN P

vs.

E. ROSZKO, et al.,

Defendants. ORDER TO SHOW CAUSE

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Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed April 28, 2005, plaintiff was directed to provide the United States Marshal with complete, current service instructions, summonses, and sufficient copies of the complaint to permit the United States Marshal to effect service within the time limits set in Fed. R. Civ. P. 4(m). There is no evidence in the record that plaintiff has complied with that order.

Federal Rule of Civil Procedure 4(m) provides in relevant part for dismissal of an action without prejudice if service of process is not accomplished within 120 days after the filing of a complaint. More than 120 days have passed since the complaint was filed, and there is no evidence that service of process has been accomplished as to any defendant.

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1 Accordingly, good cause appearing, IT IS HEREBY ORDERED that within twenty
2 days from the date of this order plaintiff shall show cause in writing why this action should not be
3 dismissed pursuant to Fed. R. Civ. P. 4(m). Plaintiff is cautioned that failure to respond to this
4 order will result in a recommendation that this action be dismissed.

5 || DATED: March 7, 2006.

John F. Morris
UNITED STATES MAGISTRATE JUDGE

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